



Council Agenda: 11-4-03  
Item: 3.5

RULES AGENDA: 10-29-03  
ITEM: G1

## Memorandum

TO: RULES COMMITTEE

FROM: Thomas R. Wheatley  
Acting Chief of Police

SUBJECT: Proposal for Posting High-Risk Sex  
Offender Data On the SJPD Web-Site

DATE: October 23, 2003

Approved

Date

10-23-03

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San Jose City Clerk

### RECOMMENDATION:

The Police Department recommends posting on the SJPD web site specified information on high-risk sex offenders residing in San Jose.

### BACKGROUND:

The Rules Committee recently asked the San Jose Police Department (SJPD) to analyze the feasibility of posting on the City of San Jose web site information about high-risk sex offenders living in San Jose. The Department has concluded that it is administratively feasible for the Police Department to post sexual registration information on the 32 sexual registrants living in San Jose who are classified as high-risk sex offenders. Confirming information, including residential addresses, on this relatively small number of high-risk offenders living in San Jose can be verified by the Department prior to posting it on the SJPD web site without entailing the greater burden the Department would encounter in attempting to verify the current address of the approximately 1800 serious sex offenders living in the City. Moreover, the Department believes this would improve San Jose residents' access to Megan's Law information for those sexual registrants who pose the greatest threat in our community. The precise costs for establishing such a system has not yet been determined.

### ANALYSIS:

Several agencies have posted online information on the high-risk sex offenders living in their jurisdiction. These offenders are those classified as being the most likely to re-offend, thereby posing the most danger to the community. San Jose currently has 32 offenders classified as "High-Risk." Currently, state law allows agencies to release photos, names, and addresses of "High-Risk" offenders. At the present time the San Jose Police Department, through its registered sex offender enforcement team, releases this information by means of a community notification. These community notifications are done whenever an offender moves into or within San Jose city limits. The registered sex offender enforcement team distributes flyers containing the offenders photograph, the hundred block of the street that they live on, and a brief summary of the crimes that make them a high-risk sex offender. This is a very labor-intensive process that usually involves 15-20 officers for several hours. Officers distribute the flyers directly to the residents living within a predetermined distance of the offender. This area is usually a 1/2 to

one-mile radius from the offender's address. This distance varies depending on the location where the offender is residing.

As part of the community notification process, officers also make direct contact with nearby school officials. This is to advise them of the presence of the offender and to help them to answer any questions that concerned parents may have following the notification. A press release is also usually done in conjunction with the distribution of the flyers. This press release contains the same information that is contained in the flyer that is passed out to the citizens. This helps to ensure that as many people as possible in the immediate neighborhood and in the City of San Jose as a whole are made aware of the presence of the offender.

The Police Department proposes to place the information on high-risk sex offenders currently contained in the community notification flyer on the SJPD website, thus providing a means for concerned individuals in San Jose to become aware of those sex offenders in the community who pose the greatest threat to public safety. This would allow someone who perhaps moves into a neighborhood after a notification has taken place to receive the same information as those people who were in a neighborhood when the actual notification took place. This would also prevent "High-Risk" offenders from being able to move into neighborhoods with high turnover rates and using that turnover effectively to mask their presence, since the people contacted during the notification would be cycling through the neighborhood rather frequently.

An online database of high-risk sex offenders residing in San Jose would provide a greater level of information to citizens while not committing inordinate time and resources to a project that may become redundant in the near future depending on the changes that the State of California makes to the Megan's Law database. Current state law already allows for local agencies to make information on high-risk sex offenders available to the public by whatever means the Department deems necessary to ensure public safety, and since the number of high-risk sex offenders is so much smaller than the number (approximately 1,800) of serious risk sex offenders, the financial and administrative resources needed to verify the information on high-risk sex offenders, to put that information on-line, and to update that information on a periodic basis would be considerably smaller.

### **PUBLIC OUTREACH**

The sex offender registration team routinely holds meetings with a variety of community groups, including a number of citizens serving on the City's Strong Neighborhoods Initiative projects. Megan's Law database issues are routinely discussed, and the recommendations being made address many of the concerns voiced by these citizens.

### **COORDINATION**

The recommendations outlined in this memo have been reviewed by the City Attorney's Office and the Office of Intergovernmental Relations.

*T. Wheatley, 01/20/07*

Thomas R. Wheatley  
Acting Chief of Police